

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Newport News Division

UNITED STATES OF AMERICA

v.

4:06CR133

NICHOLAS DONOVAN WILLIAMS,

Defendant.

REPORT AND RECOMMENDATION
CONCERNING GUILTY PLEA

Defendant, by consent, has appeared before the undersigned pursuant to Rule 11, Federal Rules of Criminal Procedure, and referral from a United States District Judge and has entered a guilty pleas to possession with intent to distribute cocaine base and possession and use of a firearm in furtherance of drug trafficking, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C); 18 U.S.C. § 924(c). Defendant is also charged with conspiracy to possess and distribute cocaine base and marijuana (Count 1), possession with intent to distribute marijuana (Count 3), a second count of possession with intent to distribute cocaine (Count 5), and a second count of possession and use of a firearm in furtherance of drug trafficking (Count 6), in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(C), and (b)(1)(D); 18 U.S.C. § 924(C). Defendant understands that these charges will be dismissed upon acceptance of his guilty pleas, and the United States confirmed defendant's understanding.

Defendant was represented by retained counsel, Ronald L. Smith, Esquire. On December 13, 2006, defendant appeared before the Court for the purpose of entering his guilty pleas. He was appropriate in appearance, responsive, and competently prepared for the hearing.

Defendant answered all questions put to him in clear and concise language. On those occasions when he had a question, defendant consulted with counsel and then promptly answered. Defendant was courteous and appropriate in his behavior at all times and clearly understood the seriousness of his position. At the close of the proceeding, defendant was remanded to the custody of the United States Marshal, pending completion of a presentence report.

Defendant is twenty years of age, graduated from high school, and speaks English as his native language. There was no evidence that defendant was on drugs, alcohol, or medication which might impair his judgment. He was cooperative throughout the proceeding.

Defendant entered the guilty pleas pursuant to a plea agreement. The Court is completely satisfied, based upon defendant's responses, that he fully appreciates his position. Furthermore, he acknowledged that the statement of facts prepared in anticipation of his pleas accurately reflects the government's evidence, in the event of trial.

After cautioning and examining defendant under oath concerning each of the subjects mentioned in Rule 11, the Court determined that the offenses charged are supported by independent facts, establishing each of the essential elements of such offense. Therefore, the Court recommends that the guilty pleas be accepted and that defendant be adjudged guilty and have sentence imposed accordingly.

Failure to file written objections to this report and recommendation within ten days from the date of its service shall bar an

aggrieved party from attacking such report and recommendation before the assigned United States District Judge. 28 U.S.C. § 636(b)(1)(B).

/s/

James E. Bradberry
United States Magistrate Judge

Norfolk, Virginia

December 14, 2006

Clerk's Mailing Certificate

A copy of the foregoing Report was mailed this date to each of the following:

Ronald L. Smith, Esquire
133 Kings Way, Ste. 3000
P.O. Box 457
Hampton, VA 23669

Scott W. Putney, Esquire
Assistant United States Attorney
United States Attorney's Office
101 West Main Street, Suite 8000
Norfolk, VA 23510

Fernando Galindo, Acting Clerk

By _____
Deputy Clerk

_____, 2006